

Remarks

In the present response, no claims are amended. Claims 1-29 are presented for examination.

Claim Rejections: 35 USC § 103(a)

Claims 1-2, 4-14, 20-21, 25, and 27 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,567,860 (Maxwell) in view of USPN 5,577,244 (Killerbrew) and USPN 6,681,323 (Fontanesi). These rejections are traversed.

Each of the independent claims recites one or more elements that are not taught or suggested in Maxwell in view of Killerbrew and Fontanesi. These missing elements show that the differences between the combined teachings in the art and the recitations in the claims are great. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art.

As one example, independent claim 1 recites maintaining visibility of the information screen over subsequently generated display screens until occurrence of a predetermined event. The examiner admits that Maxwell does not teach this claim element (see OA mailed 07/25/2008 at p. 3). Applicants agree with this admission. The examiner, however, attempts to cure this deficiency with Killerbrew. Applicants respectfully disagree.

The examiner quotes Killerbrew at column 3, lines 19-24. This section of Killerbrew is reproduced below for convenience:

[T]he update program is invoked from a driver program contained in the operating system which facilitates the display of all of the screen panels, the monitoring of the keyboard 22 and the installation of the plurality of separately installable features or components of the software program.

This section in Killerbrew teaches invoking an update program from the OS which facilitates display of screen panels. Nowhere does this section of Killerbrew teach or even suggest that the display of screen panels maintains visibility of the information over subsequently generated display screens until occurrence of a predetermined event.

Even though Killerbrew mentions that screen panels are displayed, Killerbrew never mentions or even suggests maintaining visibility of these screen panels over subsequently generated display screens. Killerbrew is completely silent on the interaction between these screen panels and any possible subsequent display screens.

Applicants respectfully submit that the examiner has failed to cite a location in the art of record that teaches or even suggests maintaining visibility of the information screen over subsequently generated display screens until occurrence of a predetermined event.

The differences between the claims and the teachings in the art are great since the references fail to teach or suggest all of the claim elements. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art.

For at least these reasons, the claims are allowable over the art of record.

As another example, independent claim 1 recites providing a screen drive to the operating system (OS) during installation of the OS. The examiner argues that Maxwell teaches this claim element at column 5, lines 5-30. Applicants respectfully disagree.

Column 5, lines 5-30 in Maxwell teaches a graphical user interface (GUI) provided to the user. **This GUI is not displayed during installation of the OS.** Instead, Maxwell expressly teaches when the GUI is displayed: "This GUI is displayed to the user when the add-device tool is invoked" (see Maxwell at column 6, lines 8-10). In Maxwell, the OS is already installed. Later, the GUI is displayed to the user. These teachings are very different than the recitations of claim 1. As recited in the claim, the screen driver is provided to the OS during installation of the OS. The section in Maxwell cited by the examiner merely teaches displaying a GUI after the OS is already installed.

The differences between the claims and the teachings in the art are great since the references fail to teach or suggest all of the claim elements. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art.

For at least these reasons, the claims are allowable over the art of record.

Claim Rejections: 35 USC § 103(a)

Claims 3, 21, and 26 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,567,860 (Maxwell) in view of USPN 5,577,244 (Killerbrew) and USPN 6,681,323 (Fontanesi) and USPN 6,832,379 (Zeryck). These rejections are traversed.

As explained above, Maxwell in view of Killerbrew and Fontanesi do not teach or suggest all of the elements of the independent claims. Zeryck fails to cure these deficiencies. For at least the reasons provided for the independent claims, respective dependent claims 3, 21, and 26 are allowable.

Claim Rejections: 35 USC § 103(a)

Claims 15-19, 24, and 29 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,567,860 (Maxwell) in view of USPN 5,577,244 (Killerbrew) and USPN 6,681,323 (Fontanesi) and USPN 6,934,956 (Allen). These rejections are traversed.

As explained above, Maxwell in view of Killerbrew and Fontanesi do not teach or suggest all of the elements of the independent claims. Zeryck fails to cure these deficiencies. For at least the reasons provided for the independent claims, respective dependent claims 3, 21, and 26 are allowable.

CONCLUSION

In view of the above, Applicants believe that all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. 832-236-5529. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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